

United States Senate

WASHINGTON, DC 20510-2309
December 23, 2009

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The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

I write to you today about the ongoing dispute between Mediacom Communications Corporation and Sinclair Broadcast group. As you know, the retransmissions consent agreement between Mediacom and Sinclair is set to expire on December 31, 2009. Mediacom has submitted a complaint and petition for emergency relief to the Federal Communications Commission. If Mediacom and Sinclair do not come to an agreement by December 31, cable customers around the country may lose access to various television channels.

I am not in a position to judge the merits of either Mediacom's or Sinclair's claims. However, I write to express my concern—both about the possible consequences if these companies fail to come to an agreement, and about the broader issue of Local Marketing Agreements and other types of agreements that decrease diversity in media without actually affecting media ownership.

If Mediacom and Sinclair do not come to an agreement by December 31, 2009, I have been informed that nearly 67,000 Minnesotan households may be affected. Regardless of which party's claims have merit, I urge the Commission to scrutinize the negotiations carefully and encourage the parties to come to a deal as quickly as possible. If the parties cannot come to an agreement, the Commission may wish to consider conducting oversight of the parties' mediation, or even ordering mandatory arbitration. The public interest is best served by a quick resolution of this dispute.

I am also, however, troubled by the broader issue raised in Mediacom's complaint—that Sinclair has also been negotiating the retransmission rights of other broadcasters. Increased media consolidation should be a major concern for the Commission, especially when the mechanism for consolidation evades the Commission's explicit rules on multiple broadcast ownership. Whether in the context of this dispute or in broader rulemaking, I encourage the Commission to look closely at Local Marketing Agreements and other kinds of agreements that may decrease programming choice. Thank you for your attention to this matter.

Sincerely,



Al Franken
United States Senator

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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 2, 2010

The Honorable Al Franken
United States Senate
320 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your letter concerning recent retransmission negotiations between television broadcasters and multichannel video programming distributors ("MVPDs"), such as cable operators and satellite television providers.

I welcomed the announcement on January 7, 2010, that Sinclair Broadcast Group, Inc., and Mediacom Communications Corporation had reached a retransmission consent agreement governing the carriage of local broadcast television stations owned or operated by Sinclair. The one-year agreement provided that Mediacom would withdraw the retransmission consent complaint that it had filed with the Commission, which now has occurred. Similarly, Time Warner Cable and Fox – also facing a year-end deadline – were able to conclude a retransmission consent agreement without any disruption of service to consumers.

The record compiled in the Mediacom/Sinclair proceeding had included a number of pleadings discussing a range of additional matters related to the negotiation of retransmission consent agreements, including those that you note in your letter. As provided for in the Sinclair/Mediacom agreement, Mediacom's complaint with the Commission has been dismissed. Nevertheless, the Commission remains concerned about the process for conducting and resolving retransmission consent negotiations, including impacts on viewers. The Communications Act and the Commission's regulations require that both television broadcasters and multichannel video programming distributors (MVPDs) negotiate the terms and conditions of carriage in "good faith." We will monitor future such negotiations and respond appropriately in the event of a complaint filed with the Commission. Additionally, parties are welcome to submit comments in the Commission's 2010 Media Ownership Quadrennial Review on the effect of ownership arrangements on these matters.

I appreciate the opportunity to learn of your concerns about this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski